

IN THE DISTRICT COURT OF THE UNITED STATES

for the Western District of New York

**October 2021 GRAND JURY
(Impaneled 10/06/2021)**

THE UNITED STATES OF AMERICA INDICTMENT

-vs-

MARK ANTHONY PHILLIPS

Violations:

Title 18, United States Code,
Sections 1956(a)(3)(B) and (C)
(5 Counts and 1 Forfeiture Allegation)

COUNTS 1 THROUGH 5
(Money Laundering)

The Grand Jury Charges That:

On or about the dates listed below, in the Western District of New York and elsewhere, the defendant, MARK ANTHONY PHILLIPS, did knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, involving property represented by law enforcement to be proceeds of specified unlawful activity, and property used to conduct and facilitate specified unlawful activity, to wit: distributing a controlled substance, in violation of Title 21, United States Code, Section 841, and identity theft, in violation of Title 18, United States Code, Section 1028, with the intent to conceal and disguise the nature, location, source, ownership and control of the property believed to be the proceeds of said unlawful activity, and to avoid a transaction reporting requirement under State and Federal law:

| COUNT | DATES OF FINANCIAL TRANSACTION | FINANCIAL TRANSACTION | AMOUNT OF ACTUAL PAYMENT (LESS DEFENDANT'S FEE) |
|-------|--|---|---|
| 1 | December 6, 2020 to December 7, 2020 | Payment of \$19,169.00 for 1 Bitcoin | \$17,840.00 |
| 2 | December 14, 2020 to December 15, 2020 | Payment of \$49,683.00 for 2.6 Bitcoins | \$45,700.00 |
| 3 | January 24, 2021 to January 25, 2021 | Payment of \$32,567.00 for 1 Bitcoin | \$29,310.00 |
| 4 | March 8, 2021 to March 11, 2021 | Payment of \$78,672.00 for 1.525 Bitcoins | \$70,803.00 |
| 5 | April 24, 2021 to April 29, 2021 | Payment of \$86,647.00 for 1.61 Bitcoins | \$80,480.00 |

All in violation of Title 18, United States Code, Sections 1956(a)(3)(B) and (C).

FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of any of the offenses alleged in this Indictment, the defendant, MARK ANTHONY PHILLIPS, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), the following property:

A. PROPERTY

All right, title and interest in any and all property involved in violations of Title 18, United States Code, Section 1956 for which the defendant is convicted, and all property traceable to such property, including the following: (1) all money or other property that was the subject of each transaction, transmission or transfer in violation of Section 1956, or any money or property traceable to such money or property; (2) all commissions, fees and other property constituting proceeds obtained as a result of those violations; and (3) any property, real or personal, involved in such offense, or any property traceable to such property.

B. MONETARY AMOUNT

The sum of approximately \$266,738.00 United States currency, which sum of money is equal to the total amount of money involved in the money laundering offenses for which the defendant, MARK ANTHONY PHILLIPS is charged. In the event that the above sum is not available, then a money judgment for the same amount will be entered against the defendant.

C. SPECIFIC ASSETS

The following specific assets have been identified as property involved in a money laundering transaction or transactions:

ELECTRONICS:

- i. One Samsung Galaxy Note 10+, Model: SM-N975U, Serial Number RF8N111MSFV, IMEI: 359619102297821; and
- ii. One Samsung Galaxy Note, Model: SM-N950U, Serial Number R28J8122HQW, IMEI: 358505080268143.

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the Court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

All pursuant to Title 18, United States Code, Section 982(a)(1), and Title 21, United States Code, Section 853(p).

DATED: Rochester, New York, May 3, 2022.

TRINI E. ROSS
United States Attorney

BY: s/KYLE P. ROSSI
Assistant United States Attorney
United States Attorney's Office
Western District of New York
100 State Street, Suite 500
Rochester, NY 14614
585/263-6760
Kyle.Rossi@usdoj.gov

A TRUE BILL:

s/Foreperson
FOREPERSON